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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/760,017   | 01/12/2001  | Michel Le Hir        | 60,130-984          | 2860             |
| 26096  | 7590        | 05/13/2005           |                     | EXAMINER         |
| CARLSON, GASKEY & OLDS, P.C.<br>400 WEST MAPLE ROAD<br>SUITE 350<br>BIRMINGHAM, MI 48009 |             |                      |                     | TAMAI, KARLI     |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2834                |                  |

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 09/760,017      | HIR ET AL.   |
|                              | Examiner        | Art Unit     |
|                              | Tamai IE Karl   | 2834         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,6 and 7 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4 and 8 is/are rejected.
- 7) Claim(s) 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 October 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. In view of the Remand by the Board of Appeals and Interferences mailed on 3/4/2005, PROSECUTION IS HEREBY REOPENED. The Non-Final Rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Specification***

2. The examiner notes the amended abstract and amendments filed 2/17/2003 have now been entered into the file wrapper.

***Information Disclosure Statement***

3. The Andres reference contained in the file wrapper includes 5 figures, which are identical to the figures of the present application. The translation of Andres does not include a description of figures or of the reference numbers shown in the figures. It is believed by the examiner that the drawings from the application were in attached to the

two page German application and scanned as one document in error. The references have been recited on the current USPTO-892 and along with a photocopy of the Andres translation.

***Claim Rejections - 35 USC § 102***

4. The examiner acknowledges the remand to consider prior art references: JP 11-308812 and German 198 11 424. The references have been considered however, Takeda is being applied because it is believed to be an more appropriate reference.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The rejection of Claims 1, 4, 5, and 8 under 35 U.S.C. 102(b) over Schechinger et al. (Schechinger)(FR 2 663 798) withdrawn due to the decision by the Board of Appeals and Interferences on 3/4/2005.

7. Claims 1, 4, and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Takeda et al. (Takeda)(GB 2289351). Takeda teaches a rotor provided with a rotor shaft bearing a commutator including a body 21 having an inner surface mounted on said shaft 17 and an opposing outer surface, and a reduction gearbox 11 containing a gearwheel engaged with a worm 24 of said shaft 17, and a magnetic ring 33 mounted on said shaft in order that a number of rotations of said shaft can be

counted, and wherein said magnetic ring is attached on said outer surface of said body of said commutator 21. The magnet 33 is housed in an annular recess on the end of the commutator 21 that is free of hooks.

***Allowable Subject Matter***

8. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Reason for Allowance***

9. The prior art does not teach a rotor provided with a rotor shaft bearing a commutator including a body having an inner surface mounted on said shaft and an opposing outer surface, and a reduction gearbox containing a gearwheel engaged with a worm of said shaft, and a magnetic ring mounted on said shaft in order that a number of rotations of said shaft can be counted, and wherein said magnetic ring elastically clipped onto annular extension and housed in an annular recess of the commutator, as recited by claim 5.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (571) 272 - 2036.

Art Unit: 2834

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg, can be reached at (571) 272 - 2044. The facsimile number for the Group is (703) 872 - 9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karl I Tamai  
PRIMARY PATENT EXAMINER  
May 9, 2005

KARL TAMAI  
PRIMARY EXAMINER

  
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